
TITLE 71 INDIANA HORSE RACING COMMISSION

Emergency Rule
LSA Document #07-543(E)

DIGEST

Amends [71 IAC 3-12-1](#) and [71 IAC 3-13-1](#) concerning general authority standardbred. Amends [71 IAC 3.5-13-1](#) and [71 IAC 3.5-14-1](#) concerning general authority flat racing. Effective August 21, 2007.

[71 IAC 3-12-1](#); [71 IAC 3-13-1](#); [71 IAC 3.5-13-1](#); [71 IAC 3.5-14-1](#)

SECTION 1. [71 IAC 3-12-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 3-12-1](#) General authority

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 1. **(a)** The official veterinarian (state or commission veterinarian) shall:

- (1) be employed by the commission;
- (2) be a graduate veterinarian and be licensed to practice in Indiana;
- (3) recommend to the judges:
 - (A) any horse deemed unsafe to be raced; or
 - (B) a horse that it would be inhumane to allow to race;
- (4) place horses on the veterinarian's list, when necessary, and remove from the list those horses which are, in the official veterinarian's opinion, able to satisfactorily compete in a race;
- (5) supervise the taking of all specimens for testing according to procedures approved by the commission;
- (6) provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion, or contamination;
- (7) have authority and jurisdiction over the racing veterinarian and the practicing licensed veterinarians within the enclosure for the purpose of these rules;
- (8) report to the commission the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefore;
- (9) refuse employment or payment, directly or indirectly, from any horse owner or trainer of a horse racing or intending to race in this jurisdiction while employed as the official veterinarian for the commission, except in accordance with the commission policy on endoscopic examinations;
- (10) review and make recommendations regarding commission license applications of practicing veterinarians;
- (11) perform, in accordance with commission policy, endoscopic examinations at the request of a horse owner or trainer; and

~~(12)~~ **(b)** The official veterinarian or the executive director may delegate or assign duties to the racing veterinarian.

(c) At the discretion of the commission or the executive director, veterinary technicians certified by the state of Indiana board of veterinary medical examiners may be assigned to perform the duties and responsibilities of the official veterinarian under these rules except that no certified veterinary technician so assigned shall be permitted or required to perform procedures that are outside the scope of their certification by the Indiana board of veterinary medical examiners, including, but not limited to, endoscopic examinations.

(Indiana Horse Racing Commission; [71 IAC 3-12-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1132; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2904; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1496; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2826, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Aug 21, 2007, 1:33 p.m.: [20070829-IR-071070543ERA](#))

SECTION 2. [71 IAC 3-13-1](#) IS AMENDED TO READ AS FOLLOWS:

71 IAC 3-13-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) At the discretion of the commission, the racing veterinarian may be an employee of the commission or the association. At the discretion of the commission, the duties of the racing veterinarian may be assumed by the official veterinarian, **except that any certified veterinary technician assigned to act as official veterinarian pursuant to 71 IAC 3-12-1(c) shall not be permitted or required to perform procedures that are outside the scope of their certification by the Indiana board of veterinary medical examiners.** The association may employ an additional racing veterinarian in order to further ensure the safety of racing.

(b) The racing veterinarian shall:

- (1) be directly responsible to the official veterinarian;
- (2) be a graduate veterinarian and be licensed to practice in Indiana;
- (3) be present in the paddock on the race track during the post parade and at the starting gate until the horses are dispatched from the gate for the race;
- (4) inspect any horse when there is a question as to the physical condition of such horse;
- (5) recommend scratching a horse to the judges if, in the opinion of the racing veterinarian, the horse is physically incapable of exerting its best effort to win;
- (6) inspect any horse which appears in physical distress during the race or at the finish of the race and report such horse together with his or her opinion as to the cause of the distress to the judges and the official veterinarian;
- (7) refrain from directly treating or prescribing for any horse scheduled to participate during his or her term of appointment at any recognized meeting except in cases of emergency, accident, or injury;
- (8) be authorized to humanely destroy any horse deemed to be so seriously injured that it is in the best interest of racing to so act;
- (9) with the approval of the official veterinarian, place horses on the bleeder list; and
- (10) any other duties assigned by the official veterinarian.

(Indiana Horse Racing Commission; 71 IAC 3-13-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1133; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2827, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Aug 21, 2007, 1:33 p.m.: 20070829-IR-071070543ERA)

SECTION 3. 71 IAC 3.5-13-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 3.5-13-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) The official veterinarian (state or commission veterinarian) shall:

- (1) be employed by the commission;
- (2) be a graduate veterinarian and be licensed to practice in Indiana;
- (3) recommend to the stewards:
 - (A) any horse deemed unsafe to be raced; or
 - (B) a horse that it would be inhumane to allow to race;
- (4) place horses on the veterinarian's list, when necessary, and remove from the list those horses which are, in the official veterinarian's opinion, able to satisfactorily compete in a race;
- (5) supervise the taking of all specimens for testing according to procedures approved by the commission;
- (6) provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion, or contamination;
- (7) have authority and jurisdiction over the racing veterinarian and the practicing licensed veterinarians within the enclosure for the purpose of these rules;
- (8) report to the commission the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefore;
- (9) refuse employment or payment, directly or indirectly, from any horse owner or trainer of a horse racing or intending to race in this jurisdiction while employed as the official veterinarian for the commission, except in

- accordance with the commission policy on endoscopic examinations;
- (10) review and make recommendations regarding commission license applications of practicing veterinarians;
- (11) perform, in accordance with commission policy, endoscopic examinations at the request of a horse owner or trainer;
- (12) be available to the stewards prior to scratch time each racing day at a time designated by the stewards to inspect any horse and report on their condition as may be requested by the stewards; and

~~(13)~~ **(b) The official veterinarian or the executive director may** delegate or assign duties to the racing veterinarian.

(c) At the discretion of the commission or the executive director, veterinary technicians certified by the state of Indiana board of veterinary medical examiners may be assigned to perform the duties and responsibilities of the official veterinarian under these rules except that no certified veterinary technician so assigned shall be permitted or required to perform procedures that are outside the scope of their certification by the Indiana board of veterinary medical examiners, including, but not limited to, endoscopic examinations.

(Indiana Horse Racing Commission; [71 IAC 3.5-13-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2836, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Aug 21, 2007, 1:33 p.m.: [20070829-IR-071070543ERA](#))

SECTION 4. [71 IAC 3.5-14-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 3.5-14-1](#) General authority

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 1. (a) At the discretion of the commission, the racing veterinarian may be an employee of the commission or the association. At the discretion of the commission, the duties of the racing veterinarian may be assumed by the official veterinarian, **except that any certified veterinary technician assigned to act as official veterinarian pursuant to [71 IAC 3.5-13-1\(c\)](#) shall not be permitted or required to perform procedures that are outside the scope of their certification by the Indiana board of veterinary medical examiners.** The association may employ an additional racing veterinarian in order to further ensure the safety of racing.

(b) The racing veterinarian shall:

- (1) be directly responsible to the official veterinarian;
- (2) be a graduate veterinarian and be licensed to practice in Indiana;
- (3) be present in the paddock on the race track during the post parade and at the starting gate until the horses are dispatched from the gate for the race;
- (4) inspect any horse when there is a question as to the physical condition of such horse;
- (5) recommend scratching a horse to the stewards if, in the opinion of the racing veterinarian, the horse is physically incapable of exerting its best effort to win;
- (6) inspect any horse which appears in physical distress during the race or at the finish of the race and report such horse together with his or her opinion as to the cause of the distress to the stewards and the official veterinarian;
- (7) be available to the racing secretary or the stewards prior to scratch time each racing day, at a time designated by the stewards, to inspect any horses and report on their condition as may be requested by the stewards;
- (8) refrain from directly treating or prescribing for any horse scheduled to participate during his or her term of appointment at any recognized meeting except in cases of emergency, accident, or injury;
- (9) be authorized to humanely destroy any horse deemed to be so seriously injured that it is in the best interest of racing to so act;
- (10) with the approval of the official veterinarian, place horses on the bleeder list; and
- (11) any other duties assigned by the official veterinarian.

(Indiana Horse Racing Commission; [71 IAC 3.5-14-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2837, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Aug 21, 2007, 1:33 p.m.: [20070829-IR-071070543ERA](#))

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